

Serial No. 10/615,071 – Rettig  
Art Unit: 3682 – Attorney Docket 52.061  
Response to Office Action dated March 22, 2005  
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**In the Drawings:**

The Examiner objected to the drawings because a bracket should embrace various parts, and the drawings must not use the same reference numeral to indicate different things (see page 2 of Office Action dated March 22, 2005). Applicant has provided replacement drawings that include Figs. 1-5 to replace original Figs. 1-5. Figs. 1-5 are amended to add a bracket to show assembly 54 comprising a first spacer 56 and a second spacer 58. Figs. 1-5 are also amended to distinguish the different rings 60 and 60' comprising the spacer 56, and the different rings 60'' and 60''' comprising the spacer 58. In addition, Fig. 5 was amended to show the reference 72 to the sloped surface of the tab, as recited in the specification. No new matter is added by the drawings. Reconsideration and acceptance of the drawing including Figs. 1-5 is respectfully requested.

Attachment: Replacement sheets (3) including Figs. 1-5

## **REMARKS**

Claims 1-16 were pending in the application. Applicants have amended claims 1, 3, and 13-14, cancelled claims 5, 6 and 12, withdrawn claims 17-20, and added new claims 21-24. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

### **1. Objections to the Drawings**

The Examiner objected to the drawings on the ground that various parts should be embraced by a bracket. Also, the Examiner objected because drawings must not use the same reference numeral to indicate different things. The Applicant has amended the drawings to include brackets to show the relationship of various parts. The Applicant also has amended to drawings to show references 60, 60', 60'' and 60''' to distinguish the various rings per the suggestion by the Examiner. In addition, the Applicant amended Fig. 5 to show the sloped surface 72 as recited in the specification. In view of the amendments, withdrawal of the objection is respectfully requested.

### **2. Rejections under § 112, second paragraph**

The Examiner rejected claims 1-16 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner indicated that “the bicycle” recited in claims 1 and 13 lacks antecedent basis. The Examiner also indicated that the terms like “securable,” “rotatable,” “positionable” and “engageable” as recited in the claims are vague and indefinite. Also, the Examiner indicated that “rigid” as recited in claim 12 is a relative term that renders the claim indefinite. In claim 13, the Examiner indicated that

it is unclear whether the recitation “a bicycle handlebar stem” and the recitation “a handlebar stem” refer to the same to the same or different things. Applicant has amended the claims to place in proper form. In view of the amendments, reconsideration and withdrawal of the rejections is respectfully requested.

**3. Rejections under 35 U.S.C. 103(a)**

Claims 1-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. DE 199 40 969 to Chi (hereinafter “the ‘969 Chi reference”). Applicant traverses this rejection because the cited reference does not teach or suggest each and every limitation of the claimed invention.

Claim 1 as amended recites a height adjustment assembly for a bicycle handlebar stem that is positioned on a steer tube of a bicycle. The height adjustment assembly includes a first spacer secured to the steer tube on one side of the stem opposite a second spacer. The first spacer includes a first upper member and a first lower member. Each of the upper member and lower members of the first spacer include a base and a number of tabs extending outwardly from one side of the base. Each of the number of tabs includes a series of locking members positioned on the tab, the plurality of locking members being disposed on the sloping surface.

The ‘969 Chi patent does not disclose a height adjustment assembly as recited in claim 1 that includes a first spacer having an first upper member and a first lower member, each member including a number of tabs extending outwardly from one side of a base and having a series of locking members disposed on a sloping surface of the tab

relative to the base. Even if one were assume the item 211 are teeth as asserted by the Examiner, the '969 Chi patent does not teach that the alleged teeth 211 are disposed on a sloped surface of a tab extending from the base. Rather, the '969 Chi patent shows the alleged teeth uniformly aligned with respect to one another (See Figs. 2 and 5). Thus, the '969 Chi patent does not disclose or suggest each and every limitation of the claimed invention. Applicant respectfully requests reconsideration and allowance of claim 1.

Dependent claims 2-4 and 7-11 and new claim 23 are believed to be in condition for allowance for incorporating by reference the limitations of claim 1 and for defining additional features of the invention, which, when considered in combination with those of claim 1, are not taught or suggested by the prior art relied upon in the rejection. For example, none of the cited references teaches or suggests the locking members as being teeth with grooves therebetween as recited in claim 7. The '969 Chi patent does not disclose grooves between the alleged teeth. Also, none of the cited references teaches or suggests the stepped configuration of the locking members on the sloped surface of the each of the number of tabs as recited in claim 23.

For reasons similar to those described above for claim 1, the cited '969 Chi patent does not teach or suggest each and every limitation of claim 13 as amended. In particular, the '969 Chi patent does not disclose that one or more of the plurality of locking members of the first lower member selectively interlock with one or more of the plurality of locking members of the first upper member so as to secure the first spacer at the selected width. Rather, the '969 Chi patent teaches that the alleged upper member is secured relative to the alleged lower member by a screw 17 and a screw 4 (See page 5-6;

Figs. 1 and 4). Accordingly, reconsideration and allowance of claim 13 is respectfully requested.

Dependent claims 14-16 are believed to be in condition for allowance for incorporating by reference the limitations of claim 13 and for defining additional features of the invention, which, when considered in combination with those of claim 13, are not taught or suggested by the prior art relied upon in the rejection.

#### **4. New Claims 21-24**

New claim 21 recites a height adjustment assembly for a bicycle handlebar stem that is positioned on a steer tube of a bicycle. The height adjustment assembly includes a first spacer mounted to the steer tube on one side of the stem and a second spacer mounted to the steer tube opposite of the stem relative to the first spacer. The first spacer includes a first upper member and a first lower member. Each member includes a base and a number of tabs extending outwardly from the base. Each of the number of tabs includes a wide end and a narrow end that define a sloped surface therebetween. The sloped surface includes a series of lock members located therealong in a stepped configuration relative to the base. Rotation of the lower member relative to the upper member causes variable adjustment of a selected width of the first spacer. At a collapsed condition of the first spacer, all of the locking members of the first upper member are engaged with all of the locking members of the first lower member. At an extended position of the first spacer having a width greater relative to the collapsed condition of the first spacer, less than all of the locking members of the first upper member are engaged with the locking members of the first lower member of the first

spacer, as illustrated in Fig. 2 of the present application. None of the cited references teach or suggest the recited limitations of the claim 21.

Dependent claim 22 is believed to be in condition for allowance for incorporating by reference the limitations of claim 21 and for defining additional features of the invention, which, when considered in combination with those of claim 21, are not taught or suggested by the prior art relied upon in the rejection. Dependent claim 23 is noted above.

### **CONCLUSION**

It is submitted that claims 1-4, 7-11, 13-16, and 21-24 are in compliance with 35 U.S.C. §§ 102 and 103 and defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

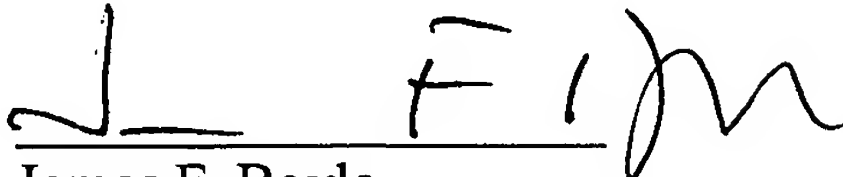
No fee is believed due with this communication. Nevertheless, should the Examiner consider any fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

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The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

Date: June 22, 2005

  
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